

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Gary D. HODGEN

Date: May 18, 1999

Serial No.: Unknown

Filed: Herewith

For: CONTROL OF SELECTIVE ESTROGEN RECEPTOR MODULATORS

Asst. Commissioner of Patents and Trademarks
Washington, DC 20231

REQUEST FOR CONTINUING APPLICATION UNDER 37 C.F.R. 1.53(b)

Sir:

This is a request for the filing of a Divisional application under the provisions of 37 C.F.R. 1.53(b) of pending application Serial No. 09/059,476, filed April 13, 1998, by Gary D. HODGEN, entitled CONTROL OF SELECTIVE ESTROGEN RECEPTOR MODULATORS. The prior application is hereby incorporated by reference.

Enclosed is a copy of the prior application, including the oath or declaration as originally filed.

I hereby state that the attached papers are a copy of prior application Serial No. 09/059,476, filed April 13, 1998, without any new matter therein.

The filing fee is calculated as follows:

BASIC Filing Fee:\$ 760.00
Number of Claims in Excess of 20: 0 x \$18
Number of Independent Claims over 3: 0 x \$78
One or more multiple dependent claims: \$260.....\$
TOTAL FILING FEE REDUCED 50% FOR SMALL ENTITY\$ 380.00

AAA
#29
cell 8/99

Small Entity Status has been established in parent application Serial No. 09/059,476, filed April 13, 1998.

Check No. 084593 which includes the amount of \$380.00 in payment of the filing fee is enclosed herewith.

The Patent and Trademark Office is hereby authorized to charge any additional fees or credit any refund, at any time during the prosecution of this application, to Deposit Account No. 15-0700.

A. Amend the specification at page 1, line 2, after "is",
--a divisional of application Serial No. 09/059,476, filed April 13, 1998 which is-- and, on line 3, after "1997", insert --and now abandoned--.

The prior application was assigned to Medical College of Hampton Roads.

The power of attorney in the prior application, as originally filed, is to customer no. 2352, OSTROLENK, FABER, GERB & SOFFEN, LLP, 1180 Avenue of the Americas, New York, New York 10036-8403, and the members of the firm: Reg. No. 17,542; Samuel H. Weiner, Reg. No. 18,510; Jerome M. Berliner, Reg. No. 18,653; Robert C. Faber, Reg. No. 24,322; Edward A. Meilman, Reg. No. 24,735; Stanley H. Lieberstein, Reg. No. 22,400; Steven I. Weisburd, Reg. No. 27,409; Max Moskowitz, Reg. No. 30,576; Stephen A. Soffen, Reg. No. 31,063; James A. Finder, Reg. No. 30,173; William O. Gray, III, Reg. No. 30,944; Louis C. Dujmich, Reg. No. 30,625, and Douglas A. Miro, Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent and Trademark Office in connection therewith and to receive all correspondence. The Power appears in the original papers in the prior application.

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Customer No. 2352

(212) 382-0700

EXPRESS MAIL CERTIFICATE

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL010282840US) in an envelope addressed to: Asst. Commissioner of Patents and Trademarks, Washington, D.C. 20231, on May 18, 1999:

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins

Signature

May 18, 1999

Date of Signature

EAM:mgs

Edward A. Meilman

Edward A. Meilman

Registration No.: 24,735

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

0531355-051399